

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.
HUAWEI DEVICE CO., LTD., and
HUAWEI DEVICE USA, INC.,

Defendants.

NO. CR19-010RSM

STIPULATED MOTION FOR
TRIAL CONTINUANCE

I. Introduction.

IT IS HEREBY REQUESTED by and between the United States of America, by Assistant United States Attorneys Todd Greenberg, Thomas M. Woods, and Siddharth Velamoor, and the defendants, HUAWEI DEVICE CO., LTD., and HUAWEI DEVICE USA, INC., by and through their undersigned attorneys, that the trial date in the above-captioned matter be continued until October 19, 2020, and that the Court enter the proposed Amended Case Scheduling Order.

II. The Reasons Supporting the Requested Trial Continuance.

The indictment in this matter was returned by the grand jury on January 16, 2019, and was unsealed by the Court on January 28, 2019. The Court presided over the arraignments of the defendants on February 28, 2019. At that time, at the request of the

1 parties, the Court set a trial date of March 2, 2020, and on March 28, 2019, the Court
2 entered the Case Scheduling Order in this matter. Dkt. 39.

3 Since that time, the parties have been working diligently on this matter, producing
4 discovery, making expert disclosures, and otherwise complying with the various
5 deadlines in the Case Scheduling Order, including the filing of pretrial motions on
6 August 1, 2019.

7 However, the defendants and their counsel require additional time to complete pre-
8 trial litigation. This case involves an extremely large volume of discovery materials and
9 unusually complex legal and factual issues. In addition, the parties need additional time
10 to prepare for pretrial proceedings involving numerous potential foreign witnesses.

11 The parties submit that, given the volume of discovery materials, the complexity
12 of this case as described above, and due to the number and varied nature of the charges
13 contained in the Indictment, it would be unreasonable to expect adequate preparation for
14 pre-trial proceedings and for the trial itself without a continuance of the trial and pre-trial
15 motions dates. *See* 18 U.S.C. § 3161(h)(7)(B)(ii).

16 For all of the above reasons, in view of the complexity and nature of this
17 prosecution, and the parties' need for additional time complete pre-trial litigation, this
18 Court may find, pursuant to Title 18, United States Code, Section 3161(h)(7)(A) and (B),
19 that the ends of justice served by continuing the trial in this case outweigh the interest of
20 the public and of the defendants in a more speedy trial, and thus that a continuance is
21 appropriate for the reasons stated above.

22 The undersigned counsel have consulted with the defendant organizations
23 regarding the necessity for a continuance of the trial date, and the defendants
24 acknowledge and agree to the requested continuance for the above stated reasons.

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1 **III. Conclusion.**

2 WHEREFORE, for the reasons set forth herein, the parties to this motion request
3 that the trial date in the above-captioned matter be continued until October 19, 2020, and
4 that the Court enter the proposed Amended Case Scheduling Order.

5 DATED this 5th day of September, 2019.

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7 Respectfully submitted,

8 TESSA M. GORMAN
9 First United States Attorney
10 (Acting Under Authority Conferred by
28 U.S.C. § 515)

11 /s/ Todd Greenberg
12 TODD GREENBERG
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21 /s/ Robert Westinghouse (per approval)

22 ROBERT WESTINGHOUSE
23 JAMES HIBEY
24 BRIAN M. HEBERLIG
25 Counsel for the Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2019 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/Jenny Fingles

JENNY FINGLES

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